

**AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawings includes changes to Figures 1, 3, 4, and 28.

Attachment: Four (4) Replacement sheets

### **REMARKS**

Reconsideration of this application in light of the amendments and following remarks is respectfully requested.

#### **Status of the Claims**

Claims 4-27, 29 and 31-33 are pending. Claims 1-3, 28 and 30 have been previously cancelled without prejudice or disclaimer of the subject matter recited therein. Because claims 4-18, 21-27, 29 and 31 have been withdrawn from consideration, only claims 19, 20, 32, and 33 are at issue. Claims 19, 20, 32, and 33 have been amended for clarity purposes per the Examiner's request. No new matter has been added.

#### **Patentably Distinguishable Subject Matter**

Applicants appreciatively acknowledge the remarks by the Examiner that the prior art, alone or in any combination, does not teach the invention of claims 19, 20, 32, and 33.

#### **Objections to the Drawings**

Applicants have amended the Drawings to address the informalities identified by the Examiner.

Applicants have amended Figures 1, 3, and 4 to more clearly denote the broken line.

Applicants have amended Fig. 28 to more clearly illustrate the adhesive 16 that is applied "in the neighborhood of the overlapping pre-opening part 96," as described in the November 13, 2006 Substitute Specification at page 40, lines 23-27.

### **Objections to the Description**

In paragraph 7 of the March 10, 2009 Office Action, the Examiner has objected to the last sentence of the Abstract as filed on December 15, 2008. Applicants have amended the Abstract to clarify that the labia can be opened by the fingers of the left hand holding the sections, and the wearer can fix the interlabial pad held on the finger of the right hand in the labia; therefore, the fingers never come in contact with the labia or menstrual blood during the fixing action. Support for this amendment can be found on page 32, lines 8-12 of the November 13, 2006 Substitute Specification.

The paragraph 8, subsection 1, of the March 10, 2009 Office Action, the Examiner has objected to the informalities of the specification. In particular, the Examiner states that the description of the claimed invention and invention of the claims are not commensurate with MPEP § 608.01(d), especially in light of the amendments to claim 33 of the December 15, 2008 Amendment. Applicants believe that this objection is related to the objections of paragraph 8, subsections 3 and 4 in which the Examiner contends that the “various ‘implementations’ set forth in the portion of the Summary of the Invention section has been relocated after the Detailed Description of the Invention” and that those “portions of the relocated text... which clearly set forth certain Figures should be relocated to those portions of the description discussing those Figures.”

Applicants respectfully point out that no portion of the Summary of the Invention was relocated- rather portions of the Summary of the Invention were removed in the November 13, 2006 Amendment to correct informalities, per the Examiner’s request in the July 13, 2006 Office Action. The portions of the Summary of the Invention section that were removed did not refer to specific Figures of the invention; instead, those portions of the Specification referred specifically to the claims as originally drafted. *See* page 3, line 22- page 4, line 2 of the Specification as filed November 10, 2003 [the numbers in parentheses point to original claims 1 and 2]. Thus, as written, the Summary of the Invention was drafted around the original claims. MPEP § 608.01(d) requires that the summary of the invention “should, when set forth, be commensurate

with the invention as claimed and any object recited should be that of the invention as claimed.” See 37 CFR § 1.73. Therefore, the Summary of Invention is written to describe the original claims and, thus, commensurate with the invention as originally claimed. Applicant are required to modify the brief summary of the invention and to restrict the descriptive matter so that they are confined to and in harmony with the invention to which the allowed claims are directed. See MPEP § 1302.01. Upon allowance of claims, the Applicants will at that time amend the Summary of the Invention in commiserate with the allowed claims. Accordingly, Applicants respectfully request withdrawal of this objection of the Specification.

Regarding the Examiner’s objection to the claims under 37 CFR § 1.75(d)(1) in paragraph 8, subsection 1 of the March 10, 2009 Office Action, these objections have been addressed below in conjunction to the 35 USC § 112. Accordingly, Applicants respectfully request withdrawal of this objection of the Specification.

In paragraph 8, subsection 2, the Examiner inquires about the broken line (15) in Figure 7. In particular, the Examiner asks if the broken line (15) of Figure 7 is only provided on the rear face of the wrapping container, how is the front face of the wrapping container divided? More particularly, the Examiner is inquiring about how the tape and longitudinal ends of the front edge are torn.

The Examiner is correct, the broken line (15) of Figure 7 is on the rear face of the wrapping container. The Examiner is also correct in that the front face of the wrapping container, in its folded and closed position, is shown in Figures 1(D) and 3(B). Applicants respectfully point out that the container is held together in its closed form by sealing the overlapping longitudinal ends (11a) and (11b) with a peelable stop tape (14). See page 29, line 25- page 30, line 2 of the November 13, 2006 Substitute Specification. Applicants point out that the longitudinal ends are not the portions of the wrapping that are sealed, it is the upper and lower edges of the wrapping sheet that are temporarily tacked so as to be unsealed again, so as to prevent the interlabial pad (2) from falling out of the wrapping container. See page 30, lines 2-5 of the November 13, 2006 Substitute Specification. To open the wrapping body, the stop tape

(14) is picked up and pulled in the direction of A in Figure 3; therefore, the wrapping sheet (11) is opened up by pulling the side portion of the sheet (11b) by the stop tape (14) which is still attached to the side sheet (11b) as shown in Figure 3(B). Following this, the other side of the wrapping body (11a) can be opened up to expose the interlabial pad (2). *See* page 30, lines 10-14 of the November 13, 2006 Substitute Specification. The wearer can take out the interlabial pad from the wrapping container by moving the right hand holding the interlabial pad. *See* page 32, lines 6-7 of the November 13, 2006 Substitute Specification. Applicants respectfully request withdrawal of this objection.

#### **Objections to the Claims**

Claims 19, 20, 32, and 33 are objected to as having informalities. Applicants have amended claims 19, 20, 32, and 33 to address these informalities.

#### **Claim Rejections Under 35 U.S.C. § 112**

Claims 19, 20, 32 and 33 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have amended claim 33 to address the Examiner's rejections. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 19, 20, 32 and 33 are rejected under 35 U.S.C. § 112, as failing to comply with the written description requirement. Applicants appreciate the Examiner's acknowledgement of what the Specification describes/supports (*See* page 7, line 10- page 8, line 19), and have amended the claims in line with that which the Examiner has acknowledged as support found in the Specification. Claim 33 has also been amended to clarify that labia can be opened by the fingers of the one hand holding the sections, and the wearer can fix the interlabial pad held on the finger of the other hand in the labia; therefore, the fingers never come in contact with the labia or menstrual blood during the fixing action. Support for this amendment can be found on page 32, lines 8-12 of the November 13, 2006 Substitute Specification. Accordingly,

claims 19, 20, 32 and 33 now comply with 35 U.S.C. § 112, first paragraph. Reconsideration and withdrawal of this rejection is respectfully requested.

The Examiner contends that the entire scope of each claim must be set forth in a single embodiment, and that section of the Specification should be set forth. Applicants respectfully point out claims 19, 20, 32 and 33 is embodied in the first embodiment. *See* page 29, line 12- page 33, line 10.

**CONCLUSION**

In view of the above amendments and remarks, the applicants believe the pending application is in condition for allowance. If there are any other issues remaining, which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 

Louis J. DelJudice

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 770

Church Street Station

New York, New York 10008-0770

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant